A CRITICAL ANALYSIS OF ADOPTION LAW IN CAMEROON

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ABSTRACT

The law governing adoption in Cameroon is not very precise and elaborate. Cameroon is a bilingual country with a bi-jural legal system consisting of the English-common law and the French-civil law systems respectively; a legacy of its colonial history. The lone piece of local legislation – the 1981 Civil Status Registration- is not all-embracing. Recourse is therefore made to laws received from the colonial masters. As far as received English law is concerned however, the enabling Southern Cameroons High Court Law 1955 limits the application of English law to pre-1900 Statutes. This situation has led to confusion as to the reception of post-1900 English Statutes on adoption and exactly which one to be applied. Human rights provisions are regularly cited by the judges in making adoption orders. The increasing rate of inter-country adoptions also calls for concerns, especially concerning the adoption of Cameroonian children by foreigners or Cameroonians by birth who have naturalized; all in the best interests of the child. This paper examines the applicable law on adoption in an analytical manner and calls for a more elaborate draft Family code (before its adoption by parliament), which would take care of all aspects of adoption, especially the consequences. It also advocates for the ratification of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.

Keywords**:** Adoption, Fostering, Best Interests of the Child, International Conventions, Inter-Country Adoption, Draft Family Code

INTRODUCTION

Adoption, as understood today in most African legal systems, is a foreign concept that was received along with the received laws of the former colonial masters. This is the case in Cameroon where we find a juxtaposition of customary systems of laws with the foreign received laws, the root and inspiration of which can best be understood by the colonial law makers. These concepts are sometimes difficult to be understood and applied in a traditional African society in the domain of personal law. This fact becomes more complicated in a bi-jural legal setting such as the case of Cameroon, where we find rules of law of the civil legal system existing alongside those of the common law system, within the national territory, albeit with attempts at harmonization, which more or less take into consideration some or other of the two sets of rules.

The laws governing adoption therefore operate within this framework, while there is an existing attempt at harmonization that has not yet materialized into law. We are therefore going to look at the concept of adoption as understood in a customary and modern sense, the various types of adoption actually practised in Cameroon, the challenges in the adoption procedure and cases of international adoptions, as well as the proposed changes in the draft Family code.

The Sources of Adoption Law in Cameroon

Cameroon is a bi-jural legal system as a result of its colonial past. A former German protectorate from 1884 to 1914, the Country was handed over as war booty to France and Britain as mandated territories of the League of Nations and subsequently, Trust territories under the United Nations Organization. The legal system in English-speaking Cameroon is a derivative of the English common law system and that of French-speaking Cameroon likewise follows the French civil law tradition. Article 9 of the Mandates Agreement of 1922, gave the colonial masters, the right to legislate within the mandated territory and subsequently, trust territory.[i]

In furtherance of the Mandates Agreement, Great Britain issued the British Order-in-council No. 1621 of June 1922, which had the effect of fusing the British Cameroons with the Nigerian protectorate for administrative purposes. She further divided her part of mandated territory into two, viz; Northern Cameroons and Southern Cameroons, both of which were administered as an integral part of her neighbouring Nigerian colony.

Nigerian was split up into three regions under the 1951 Mac Pherson constitution. They were as follows: The Northern region, western region and Eastern region respectively. The southern part of British Cameroons became attached to the Eastern region, but nevertheless retained some autonomy and was thereafter referred to as the Southern Cameroons. In 1954, in conformity with the political wishes of Southern Cameroonians, the territory achieved quasi-regional status within the colonial Federation of Nigeria and acquired its own legislative House and Executive council.[ii]

Under Section 143(1) of the Nigerian Constitution Order of 1954, the Legislature of the Southern Cameroons received power to establish courts of justice for the Southern Cameroons and in particular a High Court of justice. This power was exercised in 1955, when both the High Court of Southern Cameroons and a system of Magistrates Courts were established by legislation. By virtue of this, the Southern Cameroons High Court Law 1955 was passed.[iii]

The English common law system consists of the common law, doctrines of equity and statutes of general application. It is essentially judge-made law and consists of rules to be found in the *ratio decidendi* of decided cases. The rule of binding precedent plays an important role in the sense that the decisions of superior courts are binding on the lower courts. Case law occupies a higher position than statute in the common law system. As a consequence, in Anglophone Cameroon, case law plays a very important role. The decisions of superior courts are binding and have the force of law.

An important statutory provision for the reception of English law in English-speaking Cameroon is the Southern Cameroons High Court Law 1955, which gives the extent or limits of the application of the received law of England. It provides in section 11 as follows:

"Subject to the provisions of any written law and in particular of this section and of sections 10, 15, and 22 of this law, a). The common law, b). The doctrines of equity, and c). The statutes of general application which were in force in England on the 1st day of January 1900, shall in so far as they relate to any matter with respect to which the legislature of the Southern Cameroons, is for the time being competent to make laws, be in force within the jurisdiction of the court." Thus, case law, equitable principles and pre-1900 Statutes of general application are important in English-speaking Cameroon.

Section 15 of the Southern Cameroons High Court law 1955 nevertheless goes ahead to widen the jurisdiction of the court in probate, divorce and matrimonial causes to include post 1900 statutes. It provides: "The jurisdiction of the high court in probate, divorce and matrimonial causes and proceedings may, subject to the provisions of this law and in particular subject to section 27 and to the rules of court, be exercised by the court in conformity with the law and practice for the time being in force in England." Section 10 of the Southern Cameroons High Court Law 1955 equally justifies the application of English rules of procedure and states as follows:

"The jurisdiction vested in the High court shall, so far as practice and procedure are concerned, be exercised in the manner provided by this law or any other written law, or by such rules and orders in court as may be made pursuant to this law or any other law, and in the absence thereof in substantial conformity with the practice and procedure for the time being of her Majesty's High Court of Justice in England."

Thus, the common law, doctrines of equity and pre-1900 statutes are those applied in present day English-speaking Cameroon.

As far as French-speaking Cameroon is concerned, French-derived laws were introduced into Francophone Cameroon by a decree of 16th April 1924 and another of 22nd May 1924. The latter provides as follows: "

1. Statutes and decrees promulgated I French Equatorial Africa before the 1st day of January 1924 are hereby rendered executory in the territory of Cameroon placed under French mandate. The powers conferred on the Governor-General and on the lieutenant governors by those instruments shall devolve on the commissioner of the Republic.
2. However, the provisions of the above-mentioned instruments at shall apply are those that are not contrary to decrees specifically passed for Cameroon and to the French mandate of 20th July 1922."[iv]

The French *code civil* which was promulgated in the colony of Senegal by an *Arrêté* of 5th November 1830 was as such extended to Francophone Cameroon.

The Revised Constitution[v] in its Article 68 also guarantees the application of received laws, which were in force as long as they conform to the constitution and have not been amended by

subsequent laws and regulations.[vi] As such, apart from received English law, pre 1960 Laws of the Federation of Nigeria such as the provisions of the 1945-1958 Revised Laws of the Federation of Nigeria are applicable in Anglophone Cameroon. In the domain of adoption, due to the lack of comprehensive local legislation, recourse is still had to laws received from England and France respectively. The 1981 Civil Status Registration Ordinance[vii], mentions adoption only in connection to the fact that adoption can only be done through a court decision and that court judgments on adoption shall be inscribed as marginal notes on birth certificates.[viii] No substantive provisions are elaborated in the ordinance on adoption. The legislator rather refers to the provisions of received English and French laws, subject to the fact that they do not contradict the 1981 Ordinance.[ix]

The Concepts of Fostering and Adoption

Fostering and adoption are both means of child care provided by non-biological parents of a child, who step in to assure the upbringing of the latter, albeit, with differences. Fostering has always been and is still being practised in Africa and Cameroon in particular. The fact is that according to tradition and custom and within the context of the extended family structure, the parental role is not solely played by the biological parents of a child. It is as such not strange to find children being catered for and brought up by their relatives, sometimes, but not necessarily in the absence of their biological parents.[x] This system is not however without risk of abuse. Children are sometime maltreated by relatives, who rather exploit and abuse them as housemaids with inadequate food and healthcare at the expense of their education.[xi] Nevertheless, the underlying duty to take care of the children of (particularly but not exclusively) indigent, sick or deceased relatives, is still imbedded in the customs of most tribes in Cameroon and takes effect through informal agreements or arrangements between the parties concerned. The need equally arises on the part of childless couples although the problem of childlessness is more often than not resolved through the legal recognition of polygamy by customary law and statute. There is no existing legally binding fostering arrangement.

Adoption on the other hand, is the legal process through which a court irrevocably extinguishes the legal ties between a child and the natural parents or guardians, and creates analogous ties between the child and the adopters.[xii] Adoption has been defined as the creation of a parent-child relationship by judicial order between two parties who usually are unrelated; the relation

of parent and child created by law between persons who are not in fact parent and child.[xiii] Adoption means the creation of partial or full kinship relations by agreement and law instead of by blood.[xiv] The Roman law concepts of *adoptio plena (*meaning the full transfer of parental authority from the holder to another person), *adoptio minus plena* (the partial transfer of rights and duties resulting from a parent-child relationship) and *arrogatio* (the adoption of a person who was not under parental authority)[xv] is reflected in civil law systems such as that of France and consequently, Francophone Cameroon.

One can talk of open adoption, in which the biological mother (sometimes with the biological father) chooses the adoptive parents and in which the child often continues to have a post-adoption with his or her biological family.[xvi] A closed adoption on the other hand is "one in which the biological parent relinquishes his or her parental rights and surrenders the child to an unknown person or persons; an adoption in which there is no disclosure of the identity of the birth parents, adopting parent or parents or child."[xvii] One can actually talk in this light of simple and full adoptions.

TYPES OF ADOPTION PRACTISED IN CAMEROON

Whatever the type of adoption that takes place in Cameroon, it can only become effective and valid through a court judgment. However, the ministry of Social Affairs is concerned as far as social inquiries are concerned and in cases of foreigners wishing to adopt as well as the adoption of children less than five years old. The said Ministry is also expected to follow up cases of adoption in order to avoid abuse.

Simple Adoption

Simple adoption is not recognized in English law and consequently in Anglophone Cameroon. However, in Francophone Cameroon, it is possible and known as '*adoption simple'* (*gré a gré*), that is, as agreed between the parties concerned. Simple adoption is revocable and the adopted person maintains family ties with the biological family. However, the adopted person has rights of succession to the estate of the adoptive parents. Simple adoptions can be both of minors and adults according to Article 358 of the applicable civil code. Such a person must give his or her

consent before a notary public. In the case of a minor, the parents (in case of divorce or separation, the person who has custody) must consent. Simple adoption has no effect on the nationality of the adopted person although a change of name could be made upon the application of the adopter.

Full Adoption

When we talk of full adoption, we are referring to adoption that leads to the severing of family ties between the adoptee and his/her biological family.

French-speaking Cameroon

Full adoption (*adoption pléniere*) in the French-speaking civil law jurisdiction of Cameroon is governed by the applicable French Civil code.[xviii] This is also known as '*Légitimation adoptive'*. This is only possible for children who are less than five years old, who have been abandoned by their parents or whose parents are unknown or dead.[xix] The person who wishes to adopt must equally be at least forty (40) years old if single. Couples could equally adopt provided that one of them must be at least thirty-five years old. They must have been married for more than ten years and not be in separation and be childless (apart from adopted children). The age disparity between the adopter and the adoptee must be at least fifteen years. Nevertheless, if it concerns a child of one of the spouses, the age difference is reduced to ten years and even less through a waiver of the President of the Republic.[xx] This age factor is valid for both simply and full adoptions.

Best Interest of the Child in Adoption

Whatever the type of adoption in Francophone Cameroon, according to Article 343[xxi] of the applicable civil code, it must be advantageous and in the interest of the person to be adopted. This in in conformity with Article 21 of the 1989 Convention on the Rights of the Child (CRC).

Anglophone Cameroon

No Substantive Law on Adoption

Considering the fact that recourse has to be made to the applicable English law in matters of adoption, it is worth mentioning that under the common law, the notion of legal adoption was unknown. If one were therefore to rely on Section 11 of the Southern Cameroons High Court

Law 1955, the Adoption Act of 1926 and subsequent statutes are not applicable in Cameroon. In England and Wales, adoption was introduced by statute, more precisely, the Adoption of Children Act 1926.[xxii] Subsequent Acts were passed such as the Adoption of Children (Regulations) Act 1939, the Adoptions Acts of 1950, 1960, 1964 and 1968. The Children Act of 1975 and 1976 later on consolidated aspects of the 1958 Act.[xxiii] The Law is dynamic and adoption in England is now governed by the Adoption and Children Act 2002, which came into effect on 30th December 2005.[xxiv]

The situation in Anglophone Cameroon concerning the substantive law on adoption is therefore not very clear. There is no substantive law on adoption.[xxv] Given this lacuna in the law, the judges tend to decide adoption cases based on English law. Full adoption is therefore recognized following substantive English law. The exact English statute governing adoption is however left to be decided by the presiding judge in any given adoption matter before the courts, creating a situation of imprecision. The courts have taken the cue and followed the precedent of the Court of Appeal in the case of *Bernard Fonlon V. Judith Fonlon & Others.*[xxvi] In that case the Court of Appeal overruled the High Court decision declining jurisdiction in matters of adoption, for want of any substantive law. The Court of Appeal relied on the 1958 English Adoption Act and dismissed the appeal for non-fulfilment of the requirements of section 3(1) of the said Act concerning consent. The Court based its decision on Section 10 of the Southern Cameroons High Court Law 1955, although as has been criticized[xxvii], that provision refers to procedural and not substantive law.

Court judgments granting adoption have consistently followed this precedent and applied the 1958 English Adoption Act and subsequent statutes on adoption. Adoption cases are brought to court based on Section 18 (1) (b) (New) of Law N° 2011/027 of 14th December 2011 on Judicial organization which provides: "The High Court shall have jurisdiction to hear and determine suits and proceedings relating to status of persons; civil status, marriage, divorce, affiliation, adoption and inheritance."[xxviii] The judges equally cite Section 10 of the Southern Cameroons High Court Law 1955 as enabling them to make use of English law; more particularly, post 1900 statutes. In England and Wales, a legal adoption is affected by an "adoption order" made by a competent court on an application by person(s) wishing to adopt a child. In the case of *Ngam Theresia Lum V. The State of Cameroon, Esther Bei Muchoh & Neh Muchoh Adeline,*[xxix] the judge in making the adoption order, relied on the provisions of the

1958 English Adoption Act as read with section 21 of the CRC and Section 24 of the ACRWC. On the other hand, in the case of *Dr. Diggelmann Martin V The People of Cameroon & Tabi Rachel Anderson*,[xxx] the presiding judge rather relied on the provisions of the English Adoption Act 2002 as well as the provisions of the United Nations CRC and the ACRWC. We can therefore see that there it is not clear, which English statute should be applicable in adoption cases in the English common law courts of the two English-speaking regions. According to section 50 of the 2002 Adoption and Children Act; an adoptive parent must be at least 21 years of age (a parent adopting his or her own child with their partner need only be 18 years of age). The 2002 Act governs specific aspects of adoption, its effects on succession rights, and the agencies involved that are peculiar to England. One therefore wonders, which sections of the Act that the judge refers to in his judgment. This just goes to illustrate the state of confusion in the adoption laws of Anglophone Cameroon. According to the 1975 Children Act, only children under 18 can be adopted and the applicant or joint applicants must be at least twenty-one years of age.[xxxi]

The Use of International Human Rights Conventions

Apart from the law on judicial organization, which grants the High Court judges jurisdiction to entertain applications for adoption, recent judgments on adoption reflect a reliance on human rights principles enshrined in the 1989 Convention on the Rights of the Child (CRC)[xxxii] and the 1990 African Charter on the Rights and Welfare of the Child (ACRWC).[xxxiii] The recourse to provisions of these conventions stems from the fact that Section 45 of the Cameroon Constitution[xxxiv] makes duly approved or ratified treaties and international agreements overriding and superior to national laws, provided the other party implements them. These treaties and conventions mentioned in the preamble of the constitution are incorporated in its body by virtue of Article 65 which makes the preamble to be part and parcel of the constitution.[xxxv] In this connection the Preamble of the Cameroon Constitution provides: "We the people of Cameroon… Affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and Peoples' Rights, and all duly ratified international Conventions relating thereto…"

In the case of *Marie Kameni V. The State, Ndjodo Ndjodo joseph & Nsidjui Leopoldine*[xxxvi] the judge in granting an order of adoption, directed his mind to section 41 (3) of the 1989 Civil Status Registration Ordinance as well as Articles 3 and 21 of the United Nations Charter on the Rights of the Child and Articles 4 and 24 of the African Charter on the Rights and Welfare of the Child. It might be worthwhile examining the provisions of these two international instruments.

The Best Interests of the Child

When we look at the relevant provisions mentioned in the above-cited judgments of the courts in Cameroon, the central theme is the protection of the welfare and best interests of the child in cases of adoption. Article 3(1) of the CRC provides: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." Article 21 of the CRC likewise provides: "States Parties that recognize and/or permit the system of adoption shall ensure that the **best interests of the child** shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary." Article 4(1)[xxxvii] as well as Article 24 of the ACRWC equally talk of the best interests of the child being taken into consideration and of giving the child the possibility of expressing his/her wishes. The relevant provisions of the various English statutes relied upon by the Anglophone judges seem to be in accordance with these international provisions and make mention of the welfare and best interests of the child being of paramount consideration. The English Children's Act of 1975 for example provides in section 3 that first consideration in cases of adoption should be given to the need to safeguard and promote the welfare of the child through his childhood; and shall ascertain the wishes and feelings of the child regarding the decision and give consideration to them, having regard to his age and understanding.[xxxviii] The Adoption and Children Act 2002 equally provides in Section 1 that, "Whenever a court or adoption agency is coming to a decision relating to the adoption of a child, the **paramount**

consideration … must be the child's welfare, throughout (the child's) life." Thus, whichever English Act is relied upon by the Anglophone judges, the welfare and best interests of the child must be of prime, if not paramount consideration.

International/Inter-country adoptions

International adoption has been defined to be an adoption in which parents domiciled in one nation travel to a foreign country to adopt a child there, usually in accordance with the laws of the child's nation.[xxxix] The process of adopting a child from one country to another is also known as inter-country adoption. Consideration the increasing ate of inter-country adoptions and the implications in Private International Law, issues concerning jurisdiction and choice of law arise. The problem with international adoptions is actually not with their creation but the effect.[xl]

Both Section 21 (b) to (e) of the CRC and Section 24 (b) to (f) of the ACRWC enjoin State parties to recognize and facilitate inter-country adoptions in the best interest of the child as an alternative means of child care, while taking measures to prevent trafficking and abuse. The fear is usually that of child abuse and trafficking which has gained grounds in recent times. This is however criminal according to the Law against child trafficking in Cameroon and the punishment is more severe in aggravating circumstances such as the victim being an adoptive child of the offender.[xli] Sections 21 (e) and 24 (e) respectively of both international instruments talk of concluding bilateral or multilateral arrangements or agreements, and to endeavor to ensure that the placement of the child in another country is carried out by competent authorities or organs.

According to Article 345 of the *Code civil*[xlii], a Cameroonian can adopt a foreigner and vice versa. Adoptions of Cameroonians by foreigners is also envisaged under the applicable English law. Economic crisis and armed conflict have both led to an increase in emigration towards Europe and America in particular. The Acquired Immune Deficiency Syndrome (AIDS) equally left many children orphaned, contributing to the rise in applications for adoption before the courts by Cameroonians who have acquired foreign nationality and or their foreign spouses. Sometimes adoption orders delivered by our courts fail to be recognized abroad due to the fact that Cameroon is not a signatory to the Hague Convention on Protection of Children and Co-

operation in Respect of Inter-country Adoption. The laws on recognition of foreign judgments applicable become unfavorable. In this connection, Article 5 of the 1993 Hague Convention on adoption provides: "An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State –

a) have determined that the prospective adoptive parents are eligible and suited to adopt;
b) have ensured that the prospective adoptive parents have been counselled as may be necessary; and
c) have determined that the child is or will be authorized to enter and reside permanently in that State." This can aid and facilitate inter-country adoptions for member States of the Convention. The Convention provides for the designation of central authorities in member States charged with cooperating and facilitating the adoption process. An adoption order made in conformity with the convention and certified by the designated competent authority of a member State shall be recognized by operation of law unless it is manifestly contrary to public policy and against the best interests of the child.[xliii] The convention as such includes basic rules not just to facilitate inter-country adoptions but equally to check abuse of children and biological parents such as abductions, sale and trafficking in children. Many judgments in Cameroon do not make mention of any detailed social enquiry although it is supposed to be carried.

ADOPTION AND THE DRAFT FAMILY CODE

There is a draft family code of Persons and the Family in Cameroon, which has not yet been adopted by parliament and promulgated. In is as such still to be debated in parliament. This draft law has been in existence for decades and it is hoped that when this code eventually becomes the law, it would take care of a number of issues concerning adoption, harmonize the law and fill in the existing lacunae. The law must however take into consideration the two existing legal cultures in order to avoid conflict and friction, considering the internal conflict of laws existing within the Country.

The new code treats adoption in Articles 311 to 326. It envisages adoption by couples after 5 years of marriage and non-separation. It equally grants the possibility for a spouse to adopt the

biological child of the other.[xliv] According to the draft code, only full adoption of children is envisaged and can be requested by any adult of a least thirty-five (35) years old. According to Article 314 (2) the child must have spent at least one year with the future adoptive parents before being adopted. Practically, this is not usually possible in cases of inter-country adoptions and other means of ensuring placement of children should be envisaged by the code. The effect of the adoption order should be more elaborately stated with regards to succession, nationality and even prohibited degrees of marriage.

The family code would be welcome but is still not elaborate in its present form of a draft, as far as adoption law is concerned.

CONCLUSION

Adoption has come to be accepted as one of the ways of ensuring the welfare of the child in Cameroon. Traditional fostering still continues to be practiced in a spirit of solidarity. There is however a lacuna in the law as seen from the absence of any precise substantive law that is applicable in the English-speaking regions. The judges make use of international conventions, which protect the rights of the child but are confused as to which English Statute to apply.

The daft Family Code would therefore be welcome when it eventually becomes the applicable law. In its present state however, more elaborate provisions regulating adoption would be required in order to avoid ambiguity and further recourse to some version of English and French law, which might not be contextually appropriate. Considering the increase in the number of cases of inter-country adoptions globally and concerning Cameroon in particular, it might be a positive step for Cameroon to accede to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. Its accession would somehow help in cases of inter-country adoptions.

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ENDNOTES

[i] Article 9 provides: "The mandatory shall have full powers of administration and legislation in the area subject to the mandate. The area shall be administered in accordance with the laws of the mandatory as an integral part of his territory… The mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions…"
[ii] See Nigeria Constitution Order –in-council of 1st October 1954, Sec.1 1954, N0. 1146 ss 3 (1), 5 (5) and 124.
[iii] S.C. No. 7 of 26 Nov. 1955 and Mag. Courts (SC) Law, L.S. No. 6 of 27. October 1955.

[iv] Carlson Anyangwe, The Cameroonian Judiciary, (1987), CEPER, P.22
[v] Law No.96/06 of 18th January 1996 as amended by Law N0. 2008/001 of 14 April 2008
[vi] Article 68 provides: "The legislation applicable in the Federal State of Cameroon and in the Federated States on the date of entry into force of this Constitution shall remain in force insofar as it is not repugnant to this Constitution, and as long as it is not amended by subsequent laws and regulations."
[vii] Amended and complemented by Law N° 2011/011 of 6th May 2011
[viii]Civil Status Registration Ordinance; 1981, Section 41(1) (a), (3)
[ix] Ibid. Section 42
[x] Ulrike Wanitzek, *Legal Pluralism under the Influence of Globalization: A Case Study of Child Adoption in Tanzania*, FÖRSTER, TILL ET AL. (EDS);, 449-481, P. 450 (2008)
[xi] Ibid, P.452
[xii] JUDITH MASSON, REBECCA BAILEY-HARRIS R.J. PROBERT, CRETNEY PRINCIPLES OF FAMILY LAW; 817 (8TH EDITION, LONDON SWEET & MAXWELL), (2008)
[xiii] BLACK'S LAW DICTIONARY, 9th edition (2004)
[xiv] Ulrike Wanitzek, *Legal Pluralism under the Influence of Globalization: A Case Study of Child Adoption in Tanzania*, Förster, Till et al. (eds); 449-481, op. cit. 457 (2008).
[xv] Ibid
[xvi] BLACK'S LAW DICTIONARY, 9th edition (2004),.56
[xvii] Ibid
[xviii] *Code Civil promulgué au Sénégal par Arrêté du 5 Novembre 1830*, (éd.) .MINOS 2000.
[xix] Ibid. Article 368
[xx] Ibid., Article 344
[xxi] *L'adoption ne peut avoir lieu que s'il y a de justes motifs et si elle présente des avantages pour l'adopté.*
[xxii xxii] JUDITH MASSON, REBECCA BAILEY-HARRIS R.J. PROBERT, CRETNEY PRINCIPLES OF FAMILY LAW; 818 (8th edition, London Sweet & Maxwell,) (2008).
[xxiii] For details on the Act, see, J.F. JOSLING &ALLAN LEVY, ADOPTION OF CHILDREN, .2-3 (10th edition,1985),
[xxiv] JUDITH MASSON, REBECCA BAILEY-HARRIS R.J. PROBERT, CRETNEY PRINCIPLES OF FAMILY LAW, 818, note 9 (8th edition, 2008, London Sweet & Maxwell).
[xxv] E.N. NGWAFOR, FAMILY LAW IN ANGLOPHONE CAMEROON, 242-243(The University of Regina Press), (1993).
[xxvi] Appeal N° BCA/2/75 (Unreported), Ibid P. 241, note 4
[xxvii] E. N. NGWAFOR, FAMILY LAW IN ANGLOPHONE CAMEROON, 243,The University of Regina Press) (1993)
[xxviii] A similar provision is found in the 1972 and 2006 Laws on judicial organization.
[xxix] Suit N° HCF/095/OM/2018(Unreported)
[xxx] Suit N° HCF/001/OM/2018
[xxxi] Sections 10(1), 11 (1), CA 1975
[xxxii] It entered into force on 2nd September 1990 in accordance with Article 49(1). Cameroon signed the CRC on 25th
September 1990 and ratified it on 11th January 1993.
[xxxiii] OAU.Doc.CAB/LEG/24.9/49 (1990). It entered into force on the 29th November 1999. Cameroon signed the ACRWC on 16th September 1992 and ratified it on the 5th of September 1997 followed by a deposit on the 23.06.1999.
[xxxiv] Law N°96/06 of 18th January 1996 to amend the Constitution of 2nd June 1972, and subsequently amended by Law N° 2008/001 of 14th April 2008.

[xxxv] Article 65 of the Constitution provides, "The preamble shall be part and parcel of this constitution."
[xxxvi] Suit N° HCMB/72M/2019 (Unreported), see also, *Tebid Victor Tebid V Mbanwie Enjeck Sidonie Hilda & The People of Cameroon* (Suit N° HCMB/14M/2019 (Unreported); *Oghai Anindong Abungwo V Paul Wallangwa Abungwo & 3 Others* - Suit N° HCF/007/OM/2018 (unreported); *Ngwa Nichoas Awah Azinwing Nso V The People of Cameroon, Ngwa Brandon Che Chumba Egbe & Atanga Bih Ngwa Clementine*
[xxxvii] In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration. 1. In all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law.
[xxxviii] Atangcho Nji Akonumbo, "*Excursion into the 'Best Interests of the Child Principle' in Family Law and Child-Related Laws and Policies in Cameroon*," THE INTERNATIONAL SURVEY OF FAMILY LAW 63-94, 77, (2010).
[xxxix] BLACK'S LAW DICTIONARY.
[xl] Igrid Delupic née Dieter, *International Adoptions and the Conflict of Laws*, Almqvist & Wiksell International,11 (1975)
[xli]Law N° 2005-015 relating to the Fight against Child Trafficking and Slavery, Section 5 (b).
[xlii] *Un Français peut adopter un étranger ou être adopter par un étranger.* In the context of Cameroon, this refers to a Cameroonian
[xliii] Sections 23 & 24 of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Itercoutry Adoption.
[xliv] Draft Code of Pesons and the Family, Article 312